

**SUPREME COURT MINUTES
THURSDAY, SEPTEMBER 15, 2005
SAN FRANCISCO, CALIFORNIA**

S128405

COCHRAN (BILLY) ON H.C.
Petition ordered withdrawn

pursuant to written request of petitioner.

S128508

COCHRAN (BILLY) ON H.C.
Petition ordered withdrawn

pursuant to written request of petitioner.

S134310

COCHRAN (BILLY COY) ON H.C.
Petition ordered withdrawn

pursuant to written request of petitioner.

S014664

PEOPLE v. GRAY (MARIO L.)
Time extended to consider modification or rehearing

to November 23, 2005 or the date upon which
rehearing is either granted or denied, whichever
occurs first.

S058092

PEOPLE v. HARRIS (MAURICE)
Time extended to consider modification or rehearing

to November 23, 2005 or the date upon which
rehearing is either granted or denied, whichever
occurs first.

S026408

PEOPLE v. LYNCH (FRANKLIN)
Extension of time granted

to October 12, 2005 to file respondent's brief
Extension is granted based upon Senior
Assistant Attorney General Gerald A. Engler's
representation that he anticipates filing that brief
by 10/12/2005. After that date, no further
extension will be granted.

S034072

PEOPLE v. CURL (ROBERT ZANE)

Extension of time granted

to November 21, 2005 to file appellant's reply brief.

S055501

PEOPLE v. BUTLER (RAYMOND O.)

Extension of time granted

to November 18, 2005 to file appellant's reply brief. After that date, only one further extension totaling about 60 additional days is contemplated. Extension is granted based upon Deputy State Public Defender Kate Johnston's representation that he anticipates filing that brief by January 2006.

S058025

PEOPLE v. FOSTER (RICHARD D.)

Extension of time granted

to November 8, 2005 to file respondent's brief. Extension is granted based upon Deputy Attorney General Susan Elizabeth Miller's representation that she anticipates filing that brief by 11/8/2005. After that date, no further extension will be granted.

S058734

PEOPLE v. HOLMES, MCCLAIN & NEWBORN

Extension of time granted

to November 18, 2005 file appellant
McCLAIN'S opening brief.

S064769

PEOPLE v. HAWTHORNE (CARLOS)

Extension of time granted

to November 21, 2005 to file appellant's reply brief. Extension is granted based upon Deputy State Public Defender Arcelia L. Hurtado's representation that she anticipates filing that brief by 11/21/2005. After that date, no further extension will be granted.

S072949

PEOPLE v. BRASURE (SPENCER R.)

Extension of time granted

to November 14, 2005 to file respondent's brief. After that date, only one further extension totaling about 30 additional days is contemplated. Extension is granted based upon Supervising Deputy Attorney General Linda C. Johnson's representation that she anticipates filing that brief by 12/16/2005.

S074804

PEOPLE v. HARTSCH (CISCO)

Extension of time granted

to November 18, 2005 to file appellant's opening brief. After that date, only one further extension totaling about 75 additional days will be granted. Extension is granted based upon Deputy State Public Defender William Hassler's representation that he anticipates filing that brief by 1/31/2006.

S080056

PEOPLE v. BELL (MICHAEL)

Extension of time granted

to November 14, 2005 to file appellant's opening brief.

S117112

MAJORS (JAMES D.) ON H.C.

Extension of time granted

to October 17, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 30 additional days is contemplated. Extension is granted based upon Assistant Federal Defender Allison Claire's representation that she anticipates filing that document by 11/16/2005.

S125276

HINTON (ERIC LAMONT) ON H.C.

Extension of time granted

to October 12, 2005 to file the reply to the

informal response to the petition for writ of habeas corpus. Extension is granted based upon counsel Jay L. Lichtman's representation that he anticipates filing that document by 10/12/2005. After that date, no further extension is contemplated.

S125755**RAMIREZ (RICHARD) ON H.C.**

Extension of time granted

to October 31, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, no further extension is contemplated. Extension is granted based upon counsel Geraldine Russell's representation that she anticipates filing that document by 10/30/2005.

S127547**CANADY (MARIO) ON H.C.**

Extension of time granted

to October 27, 2005 to file respondent's informal response.

S130722**RUNDLE (DAVID) ON H.C.**

Extension of time granted

to October 17, 2005 to file the informal response to the petition for writ of habeas corpus. Extension is granted based upon Deputy Attorney General Michael P. Farrell's representation that he anticipates filing that document by 10/17/2005. After that date, no further extension will be granted.

S133114

H027483 Sixth Appellate District

PEOPLE v. KELLY

Extension of time granted

to file the appellant's opening brief on merits to September 29, 2005.

S135263

A107686 First Appellate District,
Division Four

P. (JAIME), IN RE

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Diana Teran is hereby appointed to represent appellant on appeal now pending in this court.

Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

S117590

E032578 Fourth Appellate District,
Division Two

BARRATT AMERICAN v. CITY OF RANCHO
CUCAMONGA

Orders filed (4)

- (1) The request of counsel to allow two counsel to argue on behalf of appellant at oral argument is hereby granted.
- (2) The request of appellant to allocate to amicus curiae California Building Industry Association 10 minutes of appellant's 30-minute allotted time for oral argument is granted.
- (3) The request of counsel to allow two counsel to argue on behalf of respondent at oral argument is hereby granted.
- (4) The request of respondent to allocate to amicus curiae California Cities and California State Association of Counties 10 minutes of respondent's 30-minute allotted time for oral argument is granted.

S130457

D044209 Fourth Appellate District,
Division One

J. (OLIVIA), IN RE

Order filed

Counsel for minor may file a brief on or before October 7, 2005. Should a brief be filed, appellant and respondent may file a response brief within 20 days of the filing of minor's brief.

S133492

D044200 Fourth Appellate District,
D044662 Division One

PEOPLE v. YOUNG
Order filed

The order filed on September 7, 2005, transferring this case to the Court of Appeal, Fourth Appellate District, Division One, is amended as to an additional Court of Appeal number reflected above.

S134300

C041603 Third Appellate District

CALIFORNIA EARTH CORPS v. STATE LANDS
COMM (DEVELOPERS DIVERSIFIED REALTY)
Order filed

It is ordered that the time to serve and file the opening briefs for respondents is extended to and including October 24, 2005.

S135734

IN THE MATTER OF THE SUSPENSION
OF ATTORNEYS PURSUANT TO RULE 962,
CALIFORNIA RULES OF COURT
Order filed

Having been provided proof of compliance pursuant to Family Code 17520, the suspension of **James Peyton Collins, #122739** pursuant to our order filed on July 21, 2005, is hereby terminated. This order is final forthwith.

S135350

GORDON ON DISCIPLINE
Recommended discipline imposed: disbarred

It is ordered that **Robert Lewis Gordon, State Bar No. 125645**, be disbarred from the practice of law in the State of California and that his name be stricken from the Roll of Attorneys. Gordon is ordered to comply with rule 955 of the California Rules of Court and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S135352

GUINER ON DISCIPLINE

Recommended discipline imposed

It is ordered that **STEPHEN FRANCIS GUINER, State Bar No. 44495**, be suspended from the practice of law for six months, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on May 19, 2005. The period of probation will commence upon the termination of the probation ordered in S117547 (98-O-03437). Costs are awarded to the State Bar and one-third of said costs must be added to and become part of the membership fees for the years 2006, 2007 and 2008. (Bus. & Prof. Code, § 6086.10.)

S135353

MORIARTY ON DISCIPLINE

Recommended discipline imposed

It is ordered that **James Leonard Moriarty, State Bar Number 72012**, be suspended from the practice of law in the State of California for one year, that execution of the one-year suspension be stayed, and that he be actually suspended from the practice of law in this state for thirty days and until (1) he makes restitution to Ross Adams (or the Client Security Fund, if it has paid) in the amount of \$2,812.50 plus interest thereon at the rate of 10 percent simple interest per annum from May 30, 2000, until paid and furnishes proof satisfactory thereof to the State Bar's Office of Probation in Los Angeles and (2) he files and the State Bar Court grants a motion, under rule 205 of the Rules of Procedure of the State Bar, to terminate his actual suspension all as recommended by the Hearing Department of the State Bar Court in its decision filed on May 2, 2005. If the State Bar Court grants a motion to terminate Moriarty's actual suspension, it is authorized to place him on probation for a specified period of time and to impose on him such conditions of probation that it deems appropriate in light of the

misconduct found in this proceeding. Moriarty is ordered to comply with any such probation conditions imposed on him by the State Bar Court. If the period of Moriarty's actual suspension extends for two or more years, he will remain on actual suspension until he shows proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Moriarty is ordered to take and pass the Multistate Professional Responsibility Examination within the longer of one year after the effective date of this order or the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Further, if the period of Moriarty's actual suspension extends for ninety or more days, he must comply with rule 955 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

C050366 Third Appellate District

SWAFFORD v. WCAB
Order filed

The above-entitled matter, now pending in the Court of Appeal, Third Appellate District, is transferred to the Court of Appeal, First Appellate District.

E036702 Fourth Appellate District

PEOPLE v. CHRISTOPHER PAUL BRADFORD
Order filed

The time for granting review on the court's own motion is hereby extended to and including November 1, 2005. (Cal. Rules of Court, rule 28.2(c).)